

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ritchard Yanowitz

Plaintiff(s),

-v-

Divatex Home Fashion, Inc.

Defendant(s).

KATHERINE B. FORREST, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **APR 17 2015**

15 Civ. 807 (KBF)

SCHEDULING ORDER

The parties propose the following schedule for this matter:

1. All parties [**do** ☐ / **do not** ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹
2. Close of fact discovery: 10/26/15 ~~August 19, 2015~~. [within 4 months unless the case is particularly complex]
3. Close of expert discovery: 11/30/15 ~~September 14, 2015~~. [25 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses]

The parties contemplate experts in this matter for the following subject(s): Damages and otherwise TBD.

4. [For F.L.S.A. actions only] Plaintiff(s) [**do** ☐ / **do not** ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

Proposed briefing schedule:

Opening: _____ [30 days after initial conference]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

5. The parties [do ☒ / do not ☐] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) for summary judgment _____.

Proposed briefing schedule:

Opening: September 14, 2015 [no later than item 3] 10/26/15
 Opp'n: October 5, 2015 [21 days after opening brief] 11/30/15
 Reply: October 12, 2015 [7 days after opposition brief] 12/14/15
 Last dates to file; motions may be brought at any time.

6. Trial [will ☒ / will not ☒] be before a jury.

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.

7. The next status conference is set for 7/14/15 at 6pm. (telephone)
 8. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due: 2/26/16.

9. The Final Pretrial Conference ("FPTC") is set for 3/2/16 at 2pm.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)²

10. Trial in this matter shall commence on 3/7/16. Trial is anticipated to take () days/weeks.

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York
4/16/15, 2015

K. B. Forrest
 KATHERINE B. FORREST
 United States District Judge

² Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request modified schedule if desired.